

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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| In re Application of: | Examiner: |
| Masaki Nakamura et al. | Veronica F. Faison |
| Serial No.: 10/781,280 | Art Unit: 1755 |
| Filed: February 17, 2004 | |
| Title: Water-Based Cyan Ink For Ink-Jet Printing, Color Ink Set Containing The Same And Image Forming Method Using The Ink Set | |

Commissioner for Patents
P.O. Box 1450
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DECLARATION UNDER 37 CFR § 1.132

The purpose of this declaration is to traverse rejections of claims 1-11 under 35 U.S.C. Section 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0103818 to Kataoka et al.

The following experiments were conducted under the guidance of Masaki Nakamura, one of the inventors of the present invention.

Masaki Nakamura:

Masaki Nakamura was awarded a Masters Degree in Organic Chemistry at Chiba University in 1982. In that year, he was employed by Konica Corporation, now Konica Minolta Holdings, Inc., the Assignee of the above-identified Application, and has been

engaged, since that date, in research and development in the field of photographic materials, and in recent years, in the field of ink-jet recording materials.

Experiments:

The inks disclosed in Kataoka et al. were reproduced. A Cyan ink of Embodiment 1 ([0116] in the specification of Kataoka et al.) was selected because it is one of the representative examples of Kataoka. Another Cyan ink, Embodiment 10 ([0141] in the specification of Kataoka et al.), was also selected because it contains a large content ratio of polymer to the pigment. These two Cyan inks were subjected to evaluation in the same manner as described in the present specification (page 81, line 10 to page 82, line 16).

The evaluation results are shown in the following Table A along with a ratio of Polymer/Pigment. As is clearly shown by Table A, Cyan inks of Embodiments 1 and 10 do not exhibit a^* and b^* values within the limitation of claim 1:

(i) $-20 < a^* < 20$; and

(ii) $-20 < b^* < 20$.

The color coordinates obtained by the Cyan inks of Embodiments 1 and 10 are plotted in a color circle of Fig. 1. The measured colors from cyan images of Kataoka et al. prove to be far more reddish than the color of the present invention (please refer to the color chart of Fig. 2). These results show that Kataoka et al. do not teach the present invention.

Table A

| Cyan Ink | Weight Ratio of Polymer / Pig- ment | L* | a* | B* |
|---------------|----------------------------------------|------|------|-------|
| Embodiment 1 | 0.5/1.5 = 0.33 | 72.8 | 37.6 | -10.7 |
| Embodiment 10 | 1.0/1.5 = 0.67 | 67.3 | 26.8 | -6.1 |

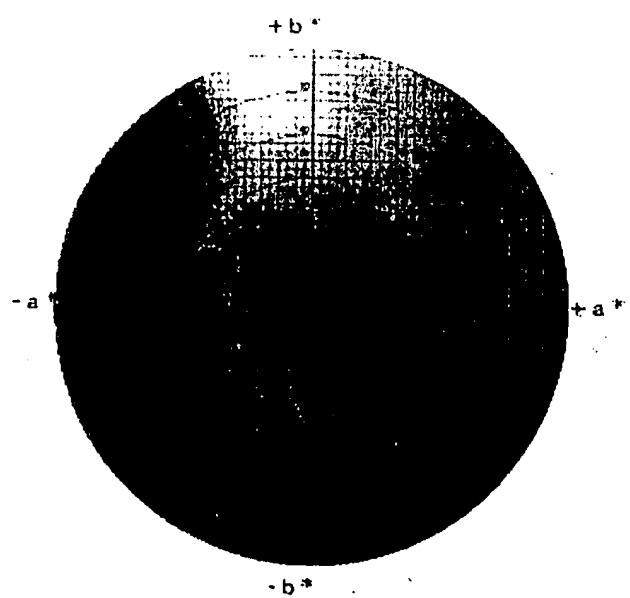
Declaration

I hereby declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed on this 10 Dec, 2004.By: Masaki Nakamura
Masaki Nakamura

Fig. 2

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Fig. 1: Schematic Diagram of a^*b^*

